

UNITED STATES DISTRICT COURT
EASTERN District of NEW YORK, BROOKLYN

UNITED STATES OF AMERICA
V.

GORDON PICKETT

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 01 2009 ★

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 07-CR-117 (S-1) (JG)
USM Number: 50695-053
Defendant's Attorney: Florian Miedel, Esq.
(212) 616-3042
111 Broadway, Suite 1401
New York, NY 10007

Reason for Amendment:

BROOKLYN OFFICE

Pages 5 and 6 to include the amount of restitution ordered.

THE DEFENDANT:

pleaded guilty to count(s) _____
 pleaded nolo contendere to count(s) _____ which was accepted by the court.
 was found guilty on count(s) One, Two, Three, Four, Five, Six, Seven and Eight of a superseding indictment by a Jury Verdict on 7/31/2008.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1029(b)(2)	Conspiracy to commit access device fraud.	1/17/2007	ONE
18 U.S.C. § 1029(a)(1)	Access device fraud.	1/17/2007	TWO
18 U.S.C. § 1029(a)(3)	Possession of a counterfeit and unauthorized access devices.	1/17/2007	THREE
18 U.S.C. § 1029 (a)(4)	Possession of device making equipment.	1/17/2007	FOUR
18 U.S.C. § 1028(a)(1)	Production of fraudulent identification documents.	1/17/2007	FIVE
18 U.S.C. § 1344	Bank fraud.	1/17/2007	SIX
18 USC §§ 1028A(a)(1)(b) and (c)(5)	Aggravated identity theft.	1/17/2007	SEVEN
18 USC §§ 1028A(a)(1)(b) and (c)(5)	Aggravated identity theft.	1/17/2007	EIGHT

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____
 Count(s) (All Open Counts.) is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 23, 2009

Date of Imposition of Judgment

s/John Gleeson

Signature of Judge

John Gleeson, U.S. D.J.

Name and Title of Judge

4-28-09

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term

One-hundred and twenty (120) months on Counts One through Six to run concurrently with each other. Twenty-four (24) months on Count Seven to run consecutively to the other counts. Twenty-four (24) months on Count Eight to run consecutively to the other counts. The total time of imprisonment is fourteen (14) years.

The court makes the following recommendations to the Bureau of Prisons:

Incarceration at FCI Fort Dix.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for

Three (3) years on Counts One through Five. Five (5) years on Count Six. One (1) year on Count Seven. One (1) year on Count Eight. The supervised release time is to run concurrently on all the counts.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the

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SPECIAL CONDITIONS OF SUPERVISION

- **Compliance with the Order of Restitution.**
- **Full financial disclosure.**

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL	\$ 800.00	\$ _____	\$ 2,400,800.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
(Please see the attached list.)			

TOTALS \$ _____ \$ _____

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for fine restitution.

the interest requirement for fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

<u>Victim</u>	<u>Restitution Award</u>
Discover	\$568,028
USAA	\$348,199
Capital One	\$287,692
Fifth Third Bancorp	\$210,185
Chase	\$186,428
HSBC	\$172,714
Citibank	\$150,352
Bank of America (MC)	\$141,162
Advanta	\$97,219
Bank of America (Bank Fraud)	\$79,900
Wells Fargo	\$57,359
Security Service FCU	\$21,184
GE Money	\$12,398
Washington Mutual	\$12,212
Lassalle Bank (Illinois)	\$9,637
HSBC Bank PLC - London	\$9,191
Bank of the West	\$5,265
Chemical Bank	\$4,868
Egg Bank (United Kingdom)	\$3,326
Citifinancial Europe	\$2,565
U.S. Bank	\$2,495
UBS AG - Zurich	\$2,276
KeyBank	\$2,259
Comerica	\$2,175
Barclays Bank - Delaware	\$1,929

<u>Victim</u>	<u>Restitution Award</u>
Edgewater Bank (Michigan)	\$1,348
NYCE Payments Network	\$1,196
Bankers Bank - Atlanta	\$1,130
Shazam, Inc.	\$995
China Merchant's Bank	\$961
Peoples United Bank	\$916
Union Bank of California	\$861
First Premier Bank	\$764
First Bank of Delaware	\$514
First Niagara Bank	\$500
First National Bank of Omaha	\$335
Star Processing	\$262
Total	\$2,400,800

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A Lump sum payment of \$ 800.00 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:
—Restitution is to be paid at 25% of the defendant's net monthly income immediately after release from custody.
—Restitution is to be made payable to the Clerk of Court at 225 Cadman Plaza East, Bklyn, NY 11201.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.